

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Cindy Leone, as Personal Representative of the Estate of Jean Payne,)	C/A No. 3:16-3720-MBS
)	State Court C/A No. 2016-CP-40-6278
)	
<i>Plaintiff,</i>)	NOTICE FOR REMOVAL
)	
Versus)	
)	
Heartland of Columbia and Manor Care, Inc.,)	
)	
<i>Defendants.</i>)	

YOU WILL PLEASE TAKE NOTICE that the Defendants, Columbia Rehabilitation & Nursing Center-Columbia SC, LLC d/b/a Heartland of Columbia Rehabilitation and Nursing Center (improperly identified as Heartland of Columbia) and Manor Care, Inc. (hereinafter “the Defendants”), have this day filed in the Office of the Clerk of the United States District Court for the District of South Carolina, for the above-captioned Division, a Notice for Removal of the above-entitled action from the State Court of South Carolina in the Circuit Court for the County of Richland, South Carolina, to the District Court of the United States for the District of South Carolina, for the above-captioned Division.

1. The above entitled action was instituted by the Plaintiff against the Defendants by the service of a Summons and Complaint, on or about October 24, 2016, and this action is now pending in the State Court of South Carolina in the Circuit Court for the County of Richland.

2. Upon information and belief, at the time of the commencement of the action, the Plaintiff was and still is a citizen of the State of South Carolina.

3. Upon information and belief, the decedent, Jean Payne, was a citizen of Richland County, South Carolina at the time of her death and during the time of the events alleged in the Complaint.

4. The Defendant, Columbia Rehabilitation & Nursing Center-Columbia SC, LLC d/b/a Heartland of Columbia Rehabilitation and Nursing Center (improperly identified as Heartland of Columbia), is now and at all times intervening, organized and existing under the laws of the State of Delaware and having their principal place of business in Ohio.

5. The Defendant, Manor Care, Inc., is a holding company organized and existing pursuant to the laws of the State of Delaware.

6. The United States District Court for the District of South Carolina has original jurisdiction over Plaintiff's Complaint pursuant to 28 U.S.C. § 1332. All parties to this action are diverse as citizens of different states as a corporation is considered a citizen of any state in which it has been incorporated or any state where it has its principle place of business. Furthermore, Plaintiff's Complaint demands judgment against the Defendants for actual damages and punitive damages. Although no specific monetary value is included in the Complaint, the Defendants suspect, upon information and belief, the damages alleged would exceed the sum or value of \$75,000.00, exclusive of interest and costs; therefore, this action is one which may be removed to this Court by Defendants pursuant 28 U.S.C. § 1441.

7. A copy of this Notice for Removal is being served on all adverse parties and filed with the Clerk of Court, Richland County Courthouse, where this case was originally filed.

8. The Defendants, Heartland of Columbia and Manor Care, Inc., files herewith as Exhibit "A" copies of all process, pleadings and orders served upon it in this action as part of this Notice.

WHEREFORE, the Defendants, Heartland of Columbia and Manor Care, Inc., respectfully request that this Court will consider this Notice for Removal as provided by law governing the removal of cases to this Court; that this Court will make the proper orders to effect the removal of this cause of action from the Court of Common Pleas, Richland County, to this Court; and that this Court will make such orders as may be appropriate to effect the preparation and filing of a true record of all proceedings that may have been had in the circuit court.

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s/ Ellore A. Ganes
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*Attorneys for the Defendants
Heartland of Columbia and Manor Care, Inc.*

November 22, 2016
Charleston, South Carolina

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Cindy Leone, as Personal Representative of the)	C/A No.
Estate of Jean Payne,)	State Court C/A No. 2016-CP-40-6278
)	
<i>Plaintiff,</i>)	VERIFICATION
)	
Versus)	
)	
Heartland of Columbia and Manor Care, Inc.,)	
)	
<i>Defendants.</i>)	

The undersigned attorney affirms and states:

That she is one of the attorneys for the Petitioner herein and is authorized to sign this Notice of Removal for Petitioner. That she has prepared and read the foregoing Notice of Removal and the matters and things therein are true as she verily believes.

s/ Ellore A. Ganes
Ellore A. Ganes

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Cindy Leone, as Personal Representative of the)	C/A No.
Estate of Jean Payne,)	State Court C/A No. 2016-CP-40-6278
)	
<i>Plaintiff,</i>)	CERTIFICATE OF SERVICE
)	
Versus)	
)	
Heartland of Columbia and Manor Care, Inc.,)	
)	
<i>Defendants.</i>)	

The undersigned hereby certifies that on **November 22, 2016**, the foregoing ***NOTICE OF REMOVAL*** was filed electronically with the Court and will be served Via U.S. Mail upon the following counsel of record:

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